

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MICHELLE FORST,)	
)	
Plaintiff,)	Case No.: 1:18-CV-02167
)	
v.)	Judge: Patricia A. Gaughan
)	
AMERICAN GREETINGS)	Magistrate Judge: David A. Ruiz
CORPORATION,)	
)	
Defendant.)	

STIPULATION AND ORDER OF VOLUNTARY REMAND

Plaintiff Michelle Forst (“Plaintiff”) and Defendant American Greetings Corporation (“Defendant”) hereby stipulate and agree that this case be remanded back to the Cuyahoga County Court of Common Pleas. The parties, through their respective counsel, agree that there is a legal basis for remand as follows:

1. Plaintiff filed her Complaint on August 21, 2018 in the Cuyahoga County Court of Common Pleas. Count Three of Plaintiff’s Complaint, entitled Retaliatory Discharge, alleges, inter alia, that Defendant’s actions were “retaliatory and a violation of remedial Ohio and federal laws and public policy that protect employees for requesting FMLA....”

2. On September 21, 2018 Defendant removed this matter from the Cuyahoga County Court of Common Pleas to this Court on the basis of federal question jurisdiction, interpreting the plain language of the Complaint as stating a claim for violation of the federal Family and Medical Leave Act (“FMLA”).

3. Since that time, Plaintiff has informed Defendant that she does not intend to pursue a claim for violation of the FMLA.

4. As Plaintiff has agreed that she will not assert or pursue a claim for violation of the FMLA, the parties hereby stipulate and agree that this action must be remanded to the Cuyahoga County Court of Common Pleas, each party to bear its own costs and fees.

5. It is further stipulated and agreed that Defendant shall file a response to the Complaint within 10 days of the notice of the remand order being filed with the Cuyahoga County Court of Common Pleas.

WHEREFORE, for the foregoing reasons, the parties respectfully request that this Court enter an order remanding this case back to the Cuyahoga County Court of Common Pleas.

DATED: September 27, 2018

Respectfully submitted,

/s/ Christopher M. DeVito
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COUNSEL FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2018 a true and correct copy of the foregoing was served via the Court's CM/ECF filing system and by email and United States Mail on all counsel or parties of record and on the service list below:

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/s/ Jill S. Kirila

One of the Attorneys for Defendant